

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

EVERGREEN TOWERS, LLC,  
Plaintiff,

vs.

Case No. 06-1163-JTM

LANG CONSTRUCTION OF  
INDEPENDENCE, KANSAS, LLC,  
Defendant.

MEMORANDUM AND ORDER

The present matter arises out of a contract dispute. Plaintiff, Evergreen Industries, LLC filed a motion for default judgment on February 2, 2007, seeking (1) a judgment against defendant Lang Construction on the breach of contract claim as set forth in Count I of the complaint; (2) an award of \$1,498,153.73 in damages; and (3) post judgment interest. Following plaintiff's motion for default judgment, defendant failed to respond. The court grants plaintiff's motion.

Under D. Kan. Rule 7.4, if a respondent fails to file a response within the time required by Rule 6.1(d), the motion will be considered and decided as an uncontested motion, and ordinarily will be granted without further notice. For this reason and for good cause shown, the court grants plaintiff's motion for default judgment.

IT IS ACCORDINGLY ORDERED this 21<sup>st</sup> day of March, 2007, that plaintiff's motion for default judgment (Dkt. No. 7) is granted. IT IS FURTHER ORDERED that damages are awarded in the amount of \$1,498,153.73.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE